22 June 2000

Original: English

Preparatory Commission for the International Criminal Court
Working Group on Rules of Procedure and Evidence
New York
13-31 March 2000
12-30 June 2000
27 November-8 December 2000

Report of the Working Group

Chapter 12
Appeal and revision

Section I
General provisions

Rule 8.1
Rules governing proceedings in the Appeals Chamber

Parts 5 and 6 and rules governing proceedings and the submission of evidence in the Pre-Trial and Trial Chambers shall apply *mutatis mutandis* to proceedings in the Appeals Chamber.

Section II
Appeals against convictions, acquittals, sentences and reparation orders

Rule 8.2
Appeal

1. Subject to sub-rule 2, an appeal against a decision of conviction or acquittal under article 74, a sentence under article 76 or a reparation order under article 75 may be filed not later than 30 days from the date on which the party filing the appeal is notified of the decision, the sentence or the reparation order.

00-49446 (E)

2. The Appeals Chamber may extend the time limit set out in sub-rule 1, for good cause, upon the application of the party seeking to file the appeal.

3. The appeal shall be filed with the Registrar.

4. If an appeal is not filed as set out in sub-rules 1 to 3, the decision, the sentence or the reparation order of the Trial Chamber shall become final.

Rule 8.3
Procedure for the appeal

1. Upon the filing of an appeal under rule 8.2, the Registrar shall transmit the trial record to the Appeals Chamber.

2. The Registrar shall notify all parties who participated in the proceedings before the Trial Chamber that an appeal has been filed.

Rule 8.4
Discontinuance of the appeal

1. Any party who has filed an appeal may discontinue the appeal at any time before judgement has been delivered. In such case, the party shall file with the Registrar a written notice of discontinuance of appeal. The Registrar shall inform the other parties that such a notice has been filed.

2. If the Prosecutor has filed an appeal on behalf of a convicted person in accordance with article 81, paragraph 1 (b), before filing any notice of discontinuance, the Prosecutor shall inform the convicted person that he or she intends to discontinue the appeal in order to give him or her the opportunity to continue the appeal proceedings. **(Question of use of word "party", still pending)**

Rule 8.5
Judgement on appeals against reparation orders

1. The Appeals Chamber may confirm, reverse or amend a reparation order made under article 75.

2. The judgement of the Appeals Chamber shall be delivered in accordance with article 83, paragraphs 4 and 5.

Section III
Appeals against other decisions

Rule 8.6
Appeals that do not require the leave of the Court

1. An appeal may be filed under article 81, paragraph 3 (c) (ii), or article 82, paragraph 1 (a) or (b), not later than five days from the date upon which the party filing the appeal is notified of the decision.

2. An appeal may be filed under article 82, paragraph 1 (c), not later than two days from the date upon which the party filing the appeal is notified of the decision.

3. Rule 8.2, sub-rules 3 and 4, shall apply to appeals filed under sub-rules 1 and 2 of this rule.

Rule 8.7
Appeals that require leave of the Court

1. When a party wishes to appeal a decision under article 82, paragraph 1 (d), or article 82, paragraph 2, that party shall, within five days of being notified of that decision, make a written application to the Chamber that gave the decision, setting out the reasons for the request for leave to appeal.

2. The Chamber shall render a decision and shall notify all parties who participated in the proceedings that gave rise to the decision referred to in sub-rule 1.[1]

Rule 8.8
Procedure for the appeal

1. As soon as an appeal has been filed under rule 8.6 or as soon as leave to appeal has been granted under rule 8.7, the Registrar shall transmit to the Appeals Chamber the record of the proceedings of the Chamber that made the decision that is the subject of the appeal.

2. The Registrar shall give notice of the appeal to all parties who participated in the proceedings before the Chamber that gave the decision that is the subject of the appeal, unless they have already been notified by the Chamber under rule 8.7, sub-rule 2.

3. The appeal proceedings shall be in writing unless the Appeals Chamber decides to convene a hearing.

4. The appeal shall be heard as expeditiously as possible.

5. When filing the appeal, the party appealing may request that the appeal have suspensive effect in accordance with article 82, paragraph 3.

Rule 8.9
Discontinuance of the appeal

Any party who has filed an appeal under rule 8.6 or who has obtained the leave of a Chamber to appeal a decision under rule 8.7 may discontinue the appeal at any time before judgement has been delivered. In such case, the party shall file with the Registrar a written notice of discontinuance of appeal. The Registrar shall inform the other parties that such a notice has been filed.

---

[1] (79) There is a need to clarify the concept of "party" and ensure consistency of terminology throughout the Rules of Procedure.

Rule 8.10
Judgement on the appeal

1. An Appeals Chamber which considers an appeal referred to in this section may confirm, reverse or amend the decision appealed.

2. The judgement of the Appeals Chamber shall be delivered in accordance with article 83, paragraph 4.

Section IV
Revision of conviction or sentence

Rule 8.11
Application for revision

1. An application for revision provided for in article 84, paragraph 1, shall be in writing and shall set out the grounds on which the revision is sought. It shall as far as possible be accompanied by supporting material.

2. The determination on whether the application is meritorious shall be taken by a majority of the judges of the Appeals Chamber and shall be supported by reasons in writing.

3. Notification of the decision shall be sent to the applicant and, as far as possible, to all the parties who participated in the proceedings related to the initial decision.

Rule 8.12
Determination on revision

1. On a date which it shall determine and shall communicate to the applicant and to all those having received notification under rule 8.11, sub-rule 3, the relevant Chamber shall hold a hearing to determine whether the conviction or sentence should be revised.

2. For the conduct of the hearing, the relevant Chamber shall exercise, *mutatis mutandis*, all the powers of the Trial Chamber pursuant to Part 6 and the rules governing proceedings and the submission of evidence in the Pre-Trial and Trial Chambers.

3. The determination on revision shall be governed by the applicable provisions of article 83, paragraph 4.